

August 1, 2008

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654  
Email: [hearex@metrokc.gov](mailto:hearex@metrokc.gov)

**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **E0600314**

**LOUIS J. KRAUS**  
Code Enforcement Appeal

Location: 15006 Southeast 170th Street

Appellant: **Linda Haley Kraus** (spouse)  
15006 Southeast 170th Street  
Renton, Washington 98058  
Telephone: (206) 226-6132

King County: Department of Development and Environmental Services (DDes)  
*represented by* **Bill Turner**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7084  
Facsimile: (206) 296-6604

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Deny appeal with revised compliance schedule
Department's Final Recommendation:	Deny appeal with further revised compliance schedule
Examiner's Decision:	Deny appeal with further revised compliance schedule

**EXAMINER PROCEEDINGS:**

Hearing opened:	December 21, 2006
Hearing continued:	December 21, 2006
Hearing reconvened:	January 25, 2007
Hearing continued:	January 25, 2007
Hearing reconvened:	September 25, 2007
Hearing closed:	September 25, 2007

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On October 12, 2006, the King County Department of Development and Environmental Services (DDES) issued a Notice and Order to Lewis J. Kraus that found code violations on an R-6 zoned property located at 15006 Southeast 170th Street in the unincorporated Fairwood area southeast of Renton. The Notice and Order cited Mr. Kraus and the property with the following violations of County Code:
  - A. Substandard conditions and substandard maintenance of the residence on the property due to lack of electrical service, improperly installed and/or defective electrical wiring, unsanitary countertops and flooring in bath and kitchen, broken windows, and an accumulation of rubbish, salvage and garbage throughout the interior and exterior of the site.
  - B. Accumulation of inoperable vehicles and vehicle parts in exterior storage, and parking/storage of vehicles on non-impervious (unimproved) surfaces.

The Notice and Order required compliance by making the necessary residential repairs and/or corrections to meet the minimum standards of the 2003 International Property Maintenance Code and King County code by November 15, 2006, or alternatively, maintaining the residence as vacant and closed to entry until approved for occupancy; removal of the inoperable vehicles and vehicle parts (or alternatively storage within a fully enclosed building); and cessation of parking/storage of vehicles on non-impervious surfaces by December 15, 2006.
2. Linda Haley Kraus (spouse of Noticee Lewis Kraus) filed an appeal of the Notice and Order, making the following claims:
  - A. The Notice and Order was erroneous in that there had not been a lack of electrical service to the property and electrical outlet deficiencies had been corrected.
  - B. Some of the substandard conditions had been remedied by installation of new flooring and window and electrical fixture installations, and the owners (Mr. and Mrs. Kraus) are seeking financial assistance and additional time to acquire financing for home remodeling. The Krauses requested an extension of the compliance schedule.
3. The hearing convened in December of 2006 was continued to January of 2007. During those two hearing proceedings, the Appellants related some progress toward compliance, continuing efforts to seek financial assistance for their required home improvements, installation of an impervious surface for an inoperable Toyota pickup truck then remaining onsite, their inability to store the pickup in an existing garage, and their desire for convenience reasons to be able to sleep overnight in the residence while working on it.
4. The evidentiary record does not support the Notice and Order finding of a lack of electrical service to the residence.
5. The hearing was further continued to September of 2007 in order for the Krauses to attempt to achieve compliance with the additional time. The Krauses failed to appear at the September 2007 hearing session, at which the DDES code enforcement officer related that remaining items

necessary to be performed included repair of the pickup truck so that it is no longer inoperable, or removal. A conversation with the Krauses left DDES with the conclusion that remaining necessary interior work consisted of kitchen flooring, countertop repair, furnace repair and repair of ceiling damage. DDES noted that smoke detectors had been installed and yard areas were now maintained free of debris, stating that the “exterior premises are clean.” DDES noted that if the inoperable vehicle is removed, the yard areas kept rubbish and debris-free, and the house was not occupied, the Krauses could continue the interior repair to completion at their convenience. The Krauses were also referred to the King County Housing Repair Program for assistance.

#### CONCLUSIONS:

1. Except for the notation of the lack of electrical service, the findings of violation in the Notice and Order are supported by a preponderance of the evidence and are sustained.
2. The Krauses have been given a substantial and more-than-sufficient period of time in which to achieve the necessary compliance corrections. No compliance certificate has been issued, and it must therefore be concluded that the corrections have not been completed during the extensions of time granted by the continuances and delayed issuance of a final order. It is now appropriate to issue a final order with firm deadlines where appropriate. As recommended by DDES, the Examiner will still allow the necessary interior compliance corrections to be performed at the Kraus’ convenience, so long as the exterior premises are kept free of inoperable vehicles and rubbish, salvage and debris, and also so long as the residence is not occupied (meaning no residential occupancy: no habitation, *i.e.*, no sleeping, cooking or any other typical residential activity, only construction and repair work). There has been sufficient time granted for the necessary corrections, and any further necessary compliance actions must be completed prior to allowing occupancy of the premises on a residential basis.

#### DECISION:

The appeal of the Notice and Order is **DENIED**, except for sustaining the appeal with respect to the finding of violation by lack of electrical service and except for granting the compliance time period which has been extended by the various continuances up through the date of issuance of this report, and with the further exception that the compliance schedule is revised as stated in the following Order.

#### ORDER:

1. Any and all *inoperable* vehicles and vehicle parts stored in exterior storage on the subject property (*i.e.*, outside of a fully enclosed building) shall be removed from the property *by no later than September 15, 2008*. (This shall include the Toyota pickup stored on the exterior of the property unless it is brought into operable condition by such date.)
2. *By no later than September 15, 2008*, any exterior parking/storage of vehicles onsite shall be on impervious (improved) surfaces.
3. Accumulated rubbish, salvage and garbage and any other debris in violation of applicable code requirements shall be removed *by no later than September 2, 2008*, if not accomplished already. Henceforth, the property exterior shall be maintained free of rubbish, salvage, garbage and debris.
4. The residence onsite shall remain vacated and unoccupied by human habitation until occupancy is approved in writing by the Department of Development and Environmental Services (DDES).

Until such time as such occupancy approval is granted in writing, the residence shall not be occupied and/or used for any sleeping, cooking or other human habitation purposes except that construction and repair work may be conducted. No cold food preparation shall be conducted until there are sanitary countertops and flooring in the kitchen and proper electrical wiring for any and all kitchen appliances.

5. No penalties shall be assessed by DDES against Mr. Kraus or the property if the above compliance requirements and deadlines are met in full. If they are not, DDES may impose penalties as authorized by county code retroactive to the date of this decision.

ORDERED August 1, 2008.

---

Peter T. Donahue  
King County Hearing Examiner

### **NOTICE OF RIGHT TO APPEAL**

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding Code Enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE DECEMBER 21, 2006, AND JANUARY 25, 2007, PUBLIC HEARING ON  
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0600314.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Bill Turner, representing the Department; Appellant Linda Haley Kraus, and Louis J. Kraus.

The following Exhibits were offered and entered into the record:

- |               |  |
|---------------|--|
| Exhibit No. 1 | DDES staff report to the Hearing Examiner  |
| Exhibit No. 2 | Copy of the Notice & Order issued October 12, 2006                               |
| Exhibit No. 3 | Copy of the Appeal Statement received October 30, 2006                           |
| Exhibit No. 4 | Copies of codes cited in the Notice & Order                                      |
| Exhibit No. 5 | Copy of computer log notes   |
| Exhibit No. 6 | Photographs (5 color copies) of subject property taken by Al Tijerina on 6/01/06 |
| Exhibit No. 7 | Photographs (3 pgs. of color copies) of subject property provided by the Kraus's |

The following exhibit was entered into the record on January 25, 2007:

- |               |  |
|---------------|--|
| Exhibit No. 8 | DDES log notes with attached photographs |
|---------------|--|

The following exhibit was entered into the record on September 25, 2007:

- |                |  |
|----------------|--|
| Exhibit No. 9  | August 14, 2007 status report from Bill Turner |
| Exhibit No. 10 | Printout of computer log entries               |